

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : RAMAKRISHNA, Venkata Satya Nirogi et al.
Appl. No. : 10/536,618
Filed : April 11, 2006
Title : N-arylsulfonyl-3-Substituted Indoles Having Serotonin Receptor
Affinity, Process for Their Preparation and Pharmaceutical
Composition Containing Them
Grp. Art Unit : 1624
Examiner : Ebenezer Sackey
Atty. Docket No. : SUB 0006 US
Confirmation No. : 9138

Certification under 37 C.F.R. §1.8(a)

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Valeria Neymeyer-Tynkov – Reg. No. 46956

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Mailstop Amendment
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INTERVIEW SUMMARY AND AMENDMENT

Dear Sir:

Please submit the following information in the present application. No fees are believed to be due at this time, however, payment of any fees deemed as due is authorized as indicated above.

Interview Summary begins on Page 2 of this paper.

Remarks begin on Page 3 of this paper.

INTERVIEW SUMMARY

The following is to summarize telephone interviews occurring between Examiner Ebenezar Sackey, of record in this application, and Mrs. Valerie Neymeyer-Tynkov, the undersigned representative. In the event that the Examiner's recollection differs from the below, the Examiner is invited to contact Mrs. Neymeyer-Tynkov to discuss.

On September 17, 2010, at the Examiner's request, Examiner Sackey and Mrs. Neymeyer-Tynkov discussed this application by telephone. Examiner Sackey advised that the terms "polymorph" and "prophylaxis" in the present claims are unpatentable under 35 U.S.C. 112, and suggested deleting these terms from the claims.

Mrs. Neymeyer-Tynkov asked whether the application will proceed to allowance if these amendments are made, or whether the claims still need to be evaluated for novelty and non-obviousness in view of the prior art. The Examiner advised that, as of his most recent prior art search, he has no rejections to make with regard to novelty or obviousness, and that he would expect to issue a Notice of Allowance in this application if the claims are amended in keeping with his suggestion.

Mrs. Neymeyer-Tynkov generally noted that several other terms were previously removed from the claims to accommodate concerns under 35 U.S.C. 112, and that the terms under discussion are routinely allowed in U.S. claims. For instance, "prophylaxis" methods are frequently allowed alone or in conjunction with methods of treatment. The Examiner maintained that in the present application, these claim terms are not acceptable under 35 U.S.C. 112 in view of current USPTO practice.

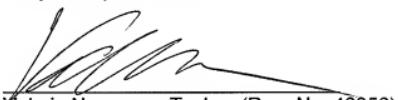
On September 23, 2010, Mrs. Neymeyer-Tynkov advised Examiner Sackey by telephone that the terms "polymorph" and "prophylaxis" may be removed from the pending claims. Examiner Sackey kindly offered to amend the claims via an Examiner's Amendment. Mrs. Neymeyer-Tynkov accepted, noting that "polymorph" occurs in claims 1, 2, and 3, and "prophylaxis" in claims 34 and 35. Examiner Sackey indicated that he expected to issue a Notice of Allowance in the near future in this application.

Applicant and Mrs. Neymeyer-Tynkov thank the Examiner for his comments, time and effort in this application.

REMARKS

It is noted for the record that the amendments discussed in the above Interview Summary are intended to be made without prejudice.

Respectfully submitted,



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